

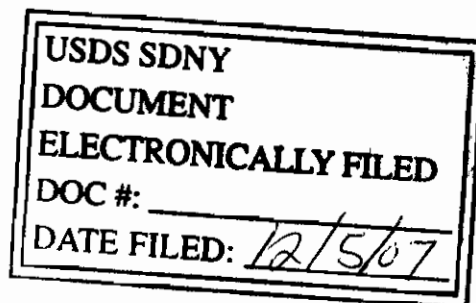
MEMO ENDORSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JACKSON LEWIS LLP
One North Broadway, Suite 1502
White Plains, New York 10601
(914) 328-0404

Attorneys of Record:

Greg A. Riolo (GR 1634)
Michael A. Frankel (MF 9712)



-----X
ISHA WESTERN,

Plaintiff,

07 Civ. 6247 (PKC)

-against-

DEFENDANT'S NOTICE OF
MOTION TO DISMISS

AMERIPATH, INC.,

Defendant.
-----X

To: Ms. Isha Western
2081 Fontainebleu Drive
Conyers, Georgia 30094
Plaintiff *Pro Se*

PLEASE TAKE NOTICE THAT, on a date to be set by the Court, before The Honorable P. Kevin Castel, United States District Judge, at the United States Courthouse, 500 Pearl Street, Courtroom 12C, New York, New York 10007, Defendant Ameripath New York, Inc., by and through its attorneys, Jackson Lewis LLP, will hereby move this Court, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for an Order granting Defendant's Motion to Dismiss.

PLEASE TAKE FURTHER NOTICE, that in support of the instant motion, Defendant will rely on the accompanying Memorandum of Law and the Affirmation of Michael A. Frankel, Esq., with exhibits, submitted in support of the instant motion.

The motion is denied. See transcript dated December 5, 2007.

So Ordered:

A handwritten signature in black ink, appearing to read "P. Kevin Castel".

Hon. P. Kevin Castel U.S.D.J.